

REMARKS

The Final Office Action mailed November 19, 2009 has been received and carefully noted. Claims 1-9 are currently pending in the subject application and are presently under consideration. The Applicant respectfully requests reconsideration in view of the following comments.

Claim Rejections - 35 U.S.C. § 102

Claims 1-9 were rejected under 35 U.S.C. § 102(a) as being anticipated by Tabatabai et al. (Pub. No. US 2003/0031260) ("Tabatabai"). The Applicant respectfully traverses this rejection for the following reasons.

The present application is directed to using MPEG-7 description techniques in retrieving object-based audio visual (AV) contents in MPEG-4 format. MPEG-7 descriptions are generated from MPEG-4 contents stored in the MPEG-4 contents storage unit. Independent claim 1 recites "an extensible description/binary converter for receiving the XML based textual format file including the MPEG-7 descriptions generated by the extensible description generator, and generating a binary file from the XML based textual format file." Independent claim 4 recites "converting the XML based textual format file into a binary file." Independent claim 6 recites "an extensible description/binary converter for receiving the XML based textual format file including the MPEG-7 descriptions, and generating a binary file from the XML based textual format file." It is noted that the claims recite two files: one, a binary file and two, an XML based textual format file. The claims specify that the binary file is generated **from** the textual format file. Therefore, there is a particular relationship between the two files recited in the claims, namely that one file is generated from the other file. To anticipate a claim under 35 U.S.C. § 102(a), **the cited reference must describe each and every element of the claim.** However, these rejections asserted by the Examiner are improper for the following reasons.

The Examiner maintains a rejection based on Tabatabai by referring to newly cited paragraphs 0010-0015 in the Final Office Action. Tabatabai is directed to transcoding between content data and description data. The Examiner contends that paragraphs 0010-0015 of

Tabatabai discloses these aspects, namely “an MPEG-7 instance document which may be ‘encoded in a textual format using XML, in a binary format such as the binary format specified for MPEG-7 data known as ‘BiM,’ and in a mixture of the two formats.” See Final Office Action, pg. 7. The statement offered by the Examiner is simply a quote from the passage, and the Examiner does not offer any reasoning as to which particular aspects of the passage disclose which corresponding elements of the claims. However, under all the possible interpretations of the reference that we are able to conceive, the disclosed “MPEG-7 instance document” of Tabatabai identified by the Examiner does not disclose the aforementioned limitations of the independent claims for the following reasons.

First, cited paragraphs 0010-0015 of Tabatabai disclose just **one** file, which is the “MPEG-7 instance document.” Again, we note that the claims recite **two** files specifically related to each other, which are the binary file and the XML based textual format file. One file does not equate to two files. Even if Tabatabai’s instance document disclosed the binary file, then the cited reference would be missing the XML based textual format file, and vice versa. Therefore, Tabatabai’s one instance document, regardless of which of the two files recited in the claim it allegedly equates to, does not disclose the two files recited in the claims.

Second, if we were to assume that the Examiner intended for Tabatabai’s “MPEG-7 instance document,” which can be encoded in any of three formats (XML, binary, or a mixture), equates to the binary file recited in the claims, Tabatabai still does not disclose the characteristics of the binary file recited in the claims. While the cited reference states that the instance document may be encoded in a binary format, there is no indication that this binary formatted file is generated **from** an XML based textual format file. Rather, Tabatabai merely states that the instance document is a document that contains a set of descriptor values, for example, that describe features of a movie. Tabatabai is silent regarding any other file that this instance document would be generated from. Therefore, the instance document does not equate to the binary file recited in the claims.

Likewise, if we were to assume that Tabatabai’s “MPEG-7 instance document” equates to the XML based textual format file recited in the claims, Tabatabai still does not disclose the characteristics involving the XML based textual format file. We again note that in the claims,

the XML based textual format file is used to generate a binary file. Tabatabai's "MPEG-7 instance document" is not used to generate a binary file. Rather, Tabatabai's "MPEG-7 instance document" is transmitted through a computer network from one system to another system and subsequently used to search filter, and/or browse a content data stream. *See* Tabatabai, paragraph 0015. Since the relationship between the XML based textual format file and the binary file is not found in Tabatabai, the Examiner has not properly established anticipation of the claims based on Tabatabai.

In view of the foregoing, the single cited reference Tabatabai does not disclose each and every element of the claims with respect to a disclosure of both the XML based textual format file and the binary file, as well as the recited relationship between the two files, i.e., the binary file being generated from the XML based textual format file. Accordingly, the aspects of "an extensible description/binary converter for receiving the XML based textual format file including the MPEG-7 descriptions generated by the extensible description generator, and generating a binary file from the XML based textual format file," "converting the XML based textual format file into a binary file," and "an extensible description/binary converter for receiving the XML based textual format file including the MPEG-7 descriptions, and generating a binary file from the XML based textual format file" of independent claims 1, 4, and 6 have not been sufficiently established by the Examiner as anticipated by Tabatabai.

It is further noted that in the present case, an XML based textual format file is generated by integrating MPEG-4 contents and MPEG-7 descriptions generated from the MPEG-4 contents, while cited reference Tabatabai only discloses MPEG-4 contents of binary forms. The present invention and the reference are quite different, considering that a BiM is generally obtained by converting an XML file into a binary format.

The dependent claims depend from independent claims 1, 4, and 6 and therefore incorporate the respective limitations thereof. Accordingly, the dependent claims are also not anticipated by Tabatabai because of the reasons above directed to the independent claims. Withdrawal of these rejections is respectfully requested.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (310) 207-8300.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being submitted to the United States Patent and Trademark Office electronically via EFS Web on the date shown below.

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Date